

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8518 OF 2006

Dasharath Rajaram Bandivadekar. ... Petitioner

Vs.

Mahadeo Dattatraya Bandivadekar &
Ors. ... Respondents

Mr. Khandeparkar i/b M/s. Khandeparkar & Associates for the petitioner.

Mr. P.S. Dani for respondents 1 to 3.

Ms. S.S. Bhende, A.G.P. for the State.

**CORAM : SMT. RANJANA DESAI &
SMT. ROSHAN DALVI, JJ.**

DATED : NOVEMBER 21, 2007.

P.C.:-

1. In accordance with the provisions of section 30 of the Land Acquisition Act, respondents 5 and 6 have made a Reference to the Civil Court. The grievance of the petitioner is that respondent 5 has directed the petitioner to deposit the entire amount of

compensation awarded under the Award being Rs.14,33,546/-. Learned counsel for the petitioner states that admittedly he is entitled to an amount of Rs.67,885/-. If that amount is deducted, an amount of Rs.12,29,890/- will have to be deposited. One-third of the share of the petitioner out of that amount comes to Rs.4,09,963/-. That leaves a balance amount of Rs.8,19,927/-. Learned counsel for the petitioner states that his client is prepared to give solvency certificate in respect of an amount of Rs.8,20,000/- in addition to an undertaking to the Reference Court that in case the Reference is decided against him, he will bring back the amount of Rs.8,20,000/-. This arrangement appears to us to be reasonable. It will also protect the interest of respondents 1 to 3.

2. Hence, order issued by respondent 5 directing the petitioner to deposit total compensation amount of Rs.14,33,546/- is set aside and is substituted by the following. The petitioner shall give a solvency certificate in respect of an amount of Rs.8,20,000/- in addition to an undertaking to the Reference Court that in case the Reference is decided against him, he will bring back the amount of Rs.8,20,000/-. The petitioner shall give a solvency certificate and undertaking as directed, within four weeks from today. The petition

is disposed of.

3. All concerned to act on the authenticated copy of this order.

[SMT. RANJANA DESAI, J.]

[SMT. ROSHAN DALVI, J.]